

Appl. No. 09/760,341
Amdt. dated September 13, 2004
Reply to Office action of June 16, 2004

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of amended claim 1 and the claims dependent therefrom is respectfully requested. In addition, allowance of newly presented claims 15-20 is respectfully requested.

The Examiner's rejection of claims 1-14 under 35 U.S.C. 112, second paragraph is respectfully traversed. Claims 7-14 are being canceled by this amendment, therefore the rejection no longer applies to these claims.

Claim 1 is being amended at lines 24 and 25-26 to now recite --said government purchase document-- with antecedent basis for this recitation being provided at claim 1, line 2. It should be noted that claim 1 and the claims dependent therefrom are now directed to a government purchase document instead of a purchase document. Also claim 3 is being amended at lines 3-4 to delete the phrase "said purchase orders" and replace it with the phrase --said government purchase documents--

Claim 6 at line 5 is being amended to recite -a stock database-- to provide antecedent basis for the recitation "said stock database" at line 7 of claim 6.

The rejection of apparatus claims 1-6 as well the rejection

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of method claims 7-14 under 35 U.S.C. 103(a) as being unpatentable over Quelene is respectfully traversed. As previously discussed, claim 7-14 are being canceled by this amendment, therefore the rejection no longer applies to these claims.

Claim 1 is being amended throughout the claim to recite a government purchase document since the invention has limited utility in that it may only be used to effect Government purchases. Further, claim 1 is being amended to recite at lines 6-12 the type of government purchase documents which the present invention prepares and processes for the procurement of goods used by the Federal Government. The documents recited in claim 1 are limited to Department of Defense procurement documents and the Federal Government Bankcard purchase worksheet. Thus, it is very clear that claim 1, as amended has no utility outside of the Federal Government procurement system.

The teaching of Quelene relates to a general purpose procurement system which allows for commercial transactions over a network of computers in purchasing goods and products used by the private sector. Quelene does not disclose, teach or even suggest a computer networked system that allows a user to purchase products for the Federal Government using only

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Department of Defense purchasing documents and the Government Bankcard, as recited in amended claim 1. These are material claim limitations which must be considered when rejecting the claimed invention as recited in amended claim 1 for being obvious over the prior art Quelene patent.

The Examiner further asserts that it be obvious to a person having ordinary skill in the art to modify the system of Quelene to include means for printing the appropriate form at any level even though Quelene fails to disclose a printer or other device for providing a hardcopy of the procurement document. Applicant respectfully disagrees with the Examiner for the following reasons.

Quelene teaches a system which has purchaser computers and vendor computers to effect the purchase of a product. The entire purchasing process is performed electronically without the use of a paper document to purchase the end product since the system of Quelene is not constrained by government procurement statutes and procurement regulations such as the Federal Acquisition Regulations and the Department of Defense Acquisition Regulations.

The government still relies on paper purchase documents when the order is over \$2500.00 and generally requires competition

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when any purchase is made by the Government. Except for Bankcard purchases, which are under \$2500.00, there is need for paper documents to purchase the product when the Federal Government is the purchaser. Even when the purchase is made by using a Government Bankcard, there is still a need for backup paper documents to show, for example, that competition was utilized for the purchase.

Further, the Government can not become part of a computer based network of the type disclosed in Quelene which uses vender computers since competition (generally three or more prospective vendors for purchases over \$2500.00) is required for all Government purchases and utilization of vender computers would have an adverse effect on competition and destroy the integrity of the Government procurement process.

Thus, it is respectfully submitted that the Quelene does not disclose, teach or even suggest a computer based program that prepares a paper document which allows a user to purchase products using the paper document and the means by which the paper document is printed as recited in claim 1. In effect Quelene teaches away from Applicant's novel invention in that Quelene's teaches a purchasing system which is entirely computer controlled and is paperless.

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Claims 2, 3, 4 and 6 depend from claim 1 which is now believed to be allowable and thus, it is respectfully submitted are also allowable over Quelene.

Newly presented claim 15 recites at lines 47-50 means for allowing the requester to provide a sole source statement which justifies the purchase of a product without competition. This function of providing a sole source statement is unique to the government since commercial transactions do not require competition which eliminates the need for a justification to use a single source for the purchase of a product.

Further, claim 15 recites at lines 51-52 means for allowing the requester to provide an urgency statement for the item to be purchased and at lines 53-56 means for allowing the requester to provide an extended description of the item to be purchased. These claimed elements of the Applicant's invention are unique to the Government procurement process and not taught, disclosed or even suggestion by the cited prior art.

In particular, in a commercial transaction, the item is generally shipped on the same day it is ordered or very soon after the order has been placed. However, when making a government purchase with the requirement for competition and the various procurement regulations which must be followed, it is

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often weeks, or months before the item is shipped to the requester. By utilizing the urgency statement, the requester is notifying the purchaser and the individuals in the signatory chain that it is important to the requester that the item be purchased and shipped within in a relatively short time period such as one month.

The extended description element provides a means whereby the requester can indicate to the purchaser that the item to be purchased has unique characteristics which differ from a commercially available product fitting the same general description. For example, military electronics equipments needs to withstand temperature variations which do not apply to commercial electronic equipment. The requester can indicate this requirement in the extended description for the item to be purchased.

Dependent claim 16 provides a means for the requester to enter a job order number into the computer-based networked system comprising Applicant's claimed invention and the purchaser to verify that adequate funds are available for the purchase of the item. Claim 17, which is dependent for claim 16, insure that funds have not expired since the Government is on a fiscal year procurement cycle. The latter feature of Applicant's claimed

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invention is clearly unique to the Government procurement process and is not taught, disclosed or even suggested by the prior art of record, the inventions of which are only useful for processing commercial transactions.

Newly presented claim 18 recites at lines 13-23 and 45-55 another feature of Applicant's invention unique to the Government procurement process. Specifically, by entry of a part number from the manufacturer, the invention checks a stock database to see if the same item has been purchased before. If the answer is yes then the invention provides government procurement information relevant to the item to be purchased including a National (Federal) Stock number, a distribution code and a unit of issue. This information assist the purchaser in buying the item saving time and money for the Government and also allows for immediate shipment of the item to the Requester.

Claims 19 and 20, like claims 16 and 17, recite features unique to the Federal procurement process including, for example, the expiration of funds feature which are not taught, disclosed or even suggested by the Quelene patent or the other art cited by the Examiner.

To summarize, Independent claims 1, 15 and 18, as well the claims dependent therefrom, are clearly directed to a computer-

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based networked system which has as its only utility the preparation of government purchase documents for the purchase of products used by the Federal government. The claimed invention is also dependent upon providing paper documents which are required to effect the purchase of all products by the Federal Government. The Government's purchasing requirements and rules necessitate the use of a very unique computer-based networked system to acquire the products used by the Federal Government. The prior art cited by the Examiner does disclose, teach or even suggest the unique and novel features of the claim inventions as now recited in amended claim 1 and newly presented claims 15 and 18 and the claims dependent therefrom.

More particularly, Claim 1, as amended, recites a computer-based networked system which is limited to the preparation of certain government purchase documents which are recited in claim 1 as a DD Form 1348 Six Part Requisition Document, a DD Form 1348-6 Requisition Document and a work sheet for a government Bankcard purchase. Newly presented claim 15 further limits the utility of the computer-based networked system to government purchase documents by reciting means for allowing the requester to provide a sole source statement, an urgency statement and an extended description of the item to be purchased, all of which

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are unique to the Federal procurement system. Newly presented claim 18 recites additional limitations for the computer-based networked system which are requirements of the Federal procurement process such as providing a National Stock number when the item has been previously purchased using the computer-based networked system. Newly presented dependent claims 16-17 and 19-20 are also directed to government procurement requirements including means for verifying funds are available under a specific job order number to pay for the product and that the funds have not expired because the Federal Government operates on a one year procurement cycle.

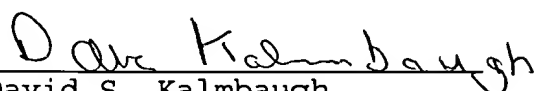
The teaching of the cited prior art including Quelene are directed to commercial transactions and not Government procurement which has its own unique set of rules and regulations. The limitations now recited in claims 1, 15 and 18 and the claims dependent therefrom are material claim limitations not found in the cited art which must be considered when rejecting the claimed invention for being obvious over the cited art. Accordingly, it is respectfully submitted that the claims as now presented are nonobvious and therefore allowable.

In view of the foregoing remarks, considered in conjunction with the claims as now presented, it is respectfully submitted

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that the application is in condition for allowance. The early allowance of claims 1-4 and 6 and newly presented claims 15-20 and the prompt issuance of this case are earnestly solicited.

Respectfully submitted,


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